

DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION



As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled COMPOSITE ARRAYS UTILIZING MICROSPHERES WITH A HYBRIDIZATION CHAMBER, the specification of which

(check ☐ is attached hereto.
one)

☒ was filed on June 28, 2000 as
Application Serial No. 09/606,369
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
<u>PCT/US99/31022</u>	<u>PCT</u>	<u>28 December 1999</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, §120 and §119 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>09/473,904</u>	<u>December 28, 1999</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u>09/256,943</u>	<u>February 24, 1999</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u>60/113,968</u>	<u>December 28, 1998</u>	<u>Abandoned</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Harold C. Hohbach, Reg. No. 17,757; Aldo J. Test, Reg. No. 18,048; Donald N. MacIntosh, Reg. No. 20,316; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Robert B. Chickering, Reg. No. 24,286; Richard F. Trecartin, Reg. No. 31,801; Steven F. Caserza, Reg. No. 29,780; Edward N. Bachand, Reg. No. 37,085, R. Michael Ananian, Reg. No. 38,050, Robin M. Silva, Reg. No. 38,304; Michael A. Kaufman, Reg. No. 32,988; Maria S. Swiatek, Reg. No. 37,244; Todd A. Lorenz, Reg. No. 39,754; provided that if any one of said attorneys ceases being affiliated with the law firm of Flehr, Hohbach, Test, Albritton & Herbert as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Direct all telephone calls to Robin M. Silva at (415) 781-1989.

Address all correspondence to:

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP
Suite 3400, Four Embarcadero Center
San Francisco, California 94111

File No. A-67493-3/DJB/RMS/DCF

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name first

inventor: John R. Stuelpnagel
Inventor's signature: *John R. Stuelpnagel*
Date: 4/21/01
Residence: Encinitas, CA
Citizenship: USA
Post Office Address: 38 Briggs Avenue, Encinitas, CA 92024

Full name of second

inventor: Mark S. Chee
Inventor's signature: *Mark S. Chee*
Date: 4/22/01
Residence: Del Mar, CA
Citizenship: Australia
Post Office Address: 155 15th Street, No. 24, Del Mar, CA 92014

Full name of third

inventor: Steven R. Auger
Inventor's signature: _____
Date: _____
Residence: Norwell, MA
Citizenship: USA
Post Office Address: 248 River Street, Norwell, Massachusetts 02061

Full name of fourth

inventor:

Gan G. Wang

Inventor's signature:

Date:

4-20-01

Residence:

San Diego, CA

Citizenship:

People's Republic of China

Post Office Address:

13043 Maritime Place, San Diego, CA 92130

Full name of fifth

inventor:

Laura S. Casas

Inventor's signature:

Date:

4-20-01

Residence:

Chula Vista, CA

Citizenship:

USA

Post Office Address:

1009 Plaza Sinuoso, Chula Vista, CA 91910

Full name of sixth

inventor:

Shawn Christopher Baker

Inventor's signature:

Date:

4/24/01

Residence:

San Diego, CA

Citizenship:

USA

Post Office Address:

11280 Carmel Creek Road, San Diego, CA 92130

Full name of seventh

inventor:

Robert C. Kain

Inventor's signature:

Date:

4/19/01

Residence:

Del Mar, CA

Citizenship:

USA

Post Office Address:

13090 Via Grimaldi, Del Mar, CA 92014

1049039

DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION

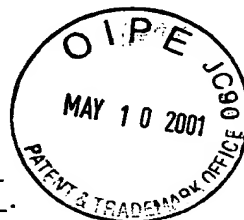
As a below-named inventor, I hereby declare that:

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(check ☐ is attached hereto.
one)

☒ was filed on June 28, 2000 as
Application Serial No. 09/606,369
and was amended on _____
(if applicable)



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<u>PCT/US99/31022</u>	<u>PCT</u>	<u>28 December 1999</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
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(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

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(Application Serial No.)	(Filing Date)	(Status)
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<u>60/113,968</u>	<u>December 28, 1998</u>	<u>Abandoned</u>
(Application Serial No.)	(Filing Date)	(Status)
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Suite 3400, Four Embarcadero Center
San Francisco, California 94111

File No. A-67493-3/DJB/RMS/DCF

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

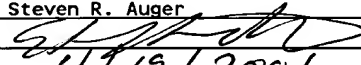
Full name first

inventor: John R. Stuelpnagel
Inventor's signature: _____
Date: _____
Residence: Encinitas, CA
Citizenship: USA
Post Office Address: 38 Briggs Avenue, Encinitas, CA 92024

Full name of second

inventor: Mark S. Chee
Inventor's signature: _____
Date: _____
Residence: Del Mar, CA
Citizenship: Australia
Post Office Address: 155 15th Street, No. 24, Del Mar, CA 92014

Full name of third

inventor: Steven R. Auger
Inventor's signature: 
Date: 4/19/2001
Residence: Norwell, MA
Citizenship: USA
Post Office Address: 248 River Street, Norwell, Massachusetts 02061

Full name of fourth
inventor:
Inventor's signature:
Date:
Residence:
Citizenship:
Post Office Address:

Gan G. Wang

Full name of fifth
inventor:
Inventor's signature:
Date:
Residence:
Citizenship:
Post Office Address:

Laura S. Casas

Full name of sixth
inventor:
Inventor's signature:
Date:
Residence:
Citizenship:
Post Office Address:

Shawn Christopher Baker

Full name of seventh
inventor:
Inventor's signature:
Date:
Residence:
Citizenship:
Post Office Address:

Robert C. Kain

1049039

ASSIGNMENT
(NOT ACCOMPANYING APPLICATION)

WHEREAS, the undersigned, John R. Stuelpnagel, resident of Encinitas, County of San Diego, State of California; Mark S. Chee, resident of Del Mar, County of San Diego, State of California; Steven R. Auger, resident of Norwell, County of Plymouth, State of Massachusetts; Gan G. Wang, resident of San Diego, County of San Diego, State of California; Laura S. Casas, resident of Chula Vista, County of San Diego, State of California; Shawn Christopher Baker, resident of San Diego, County of San Diego, State of California, and Robert C. Kain, resident of Del Mar, County of San Diego, State of California (hereinafter termed "Inventors"), have invented certain new and useful improvements in COMPOSITE ARRAYS UTILIZING MICROSPHERES WITH A HYBRIDIZATION CHAMBER and has executed an application for a United States patent disclosing and identifying this invention and having Serial No. 09/606,369 and a filing date of June 28, 2000; and

WHEREAS, Illumina, Inc., a corporation of the State of California, having a place of business at 9390 Towne Centre Drive, Suite 200, San Diego, 92121, State of California, (hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventors' certificates and other forms of protection, including any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications, and every reissue or extensions of any of said patents (hereinafter termed "Patent Rights").

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

1. Said Inventors do each hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to all Patent Rights.
2. Said Inventors hereby agree that each will, at Assignee's expense, (a) cooperate with Assignee in the prosecution and enforcement of the Patent Rights, and (b) execute, verify, testify, acknowledge and deliver all such further facts and documents, including applications, petitions, declarations, oaths and instruments of transfer necessary.
3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives and assigns.

4. Said Inventors each warrant and represent that he has not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have executed and delivered this instrument to said Assignee as follows:

Date: April 21, 2001

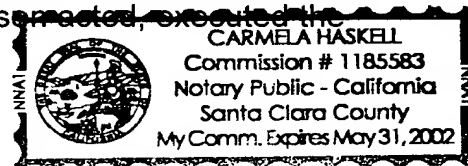
John R Stuelpnagel
John R. Stuelpnagel

County of San Diego,)
) ss.
State of California.)

On this 21st day of April, in the year 2001, before me, Carmela Haskell, Notary Public of the State of California, personally appeared John R. Stuelpnagel, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Carmela Haskell



(seal)

Date: April 23, 2001

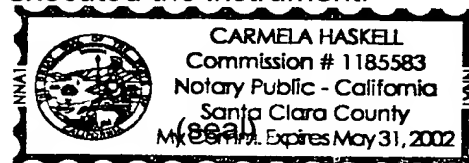
Mark S. Chee
Mark S. Chee

County of San Diego,)
) ss.
State of California.)

On this 23rd day of April, in the year 2001, before me, Carmela Haskell, Notary Public of the State of California, personally appeared Mark S. Chee, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Carmela Haskell



(seal)

Date: April 20, 2001

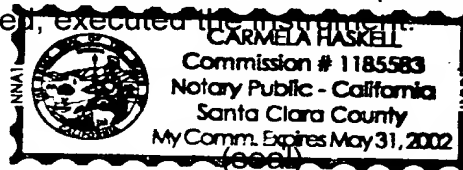
Laura S. Casas
Laura S. Casas

County of San Diego,)
) ss.
State of California.)

On this 20th day of April, in the year 2001, before me, Carmela Haskell, Notary Public of the State of California, personally appeared Laura S. Casas, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Carmela Haskell



Date: April 24, 2001

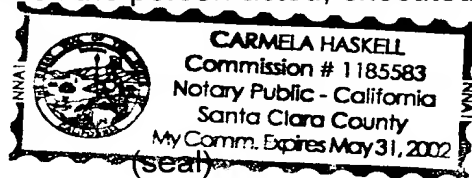
Shawn Christopher Baker
Shawn Christopher Baker

County of San Diego,)
) ss.
State of California.)

On this 24th day of April, in the year 2001, before me, Carmela Haskell, Notary Public of the State of California, personally appeared Shawn Christopher Baker, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Carmela Haskell



Robert C. Kain

On this 19th day of April, in the year 2001, before me, Carmela Haskell, Notary Public of the State of California, personally appeared Robert C. Kain, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Signature Carmela Asakill



ASSIGNMENT
(NOT ACCOMPANYING APPLICATION)

WHEREAS, the undersigned, John R. Stuelpnagel, resident of Encinitas, County of San Diego, State of California; Mark S. Chee, resident of Del Mar, County of San Diego, State of California; Steven R. Auger, resident of Norwell, County of Plymouth, State of Massachusetts; Gan G. Wang, resident of San Diego, County of San Diego, State of California; Laura S. Casas, resident of Chula Vista, County of San Diego, State of California; Shawn Christopher Baker, resident of San Diego, County of San Diego, State of California, and Robert C. Kain, resident of Del Mar, County of San Diego, State of California (hereinafter termed "Inventors"), have invented certain new and useful improvements in COMPOSITE ARRAYS UTILIZING MICROSPHERES WITH A HYBRIDIZATION CHAMBER and has executed an application for a United States patent disclosing and identifying this invention and having Serial No. 09/606,369 and a filing date of June 28, 2000; and

WHEREAS, Illumina, Inc., a corporation of the State of California, having a place of business at 9390 Towne Centre Drive, Suite 200, San Diego, 92121, State of California, (hereinafter termed "Assignee"), is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said Inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventors' certificates and other forms of protection, including any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications, and every reissue or extensions of any of said patents (hereinafter termed "Patent Rights").

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventors to have been received in full from said Assignee:

1. Said Inventors do each hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to all Patent Rights.
2. Said Inventors hereby agree that each will, at Assignee's expense, (a) cooperate with Assignee in the prosecution and enforcement of the Patent Rights, and (b) execute, verify, testify, acknowledge and deliver all such further facts and documents, including applications, petitions, declarations, oaths and instruments of transfer necessary.
3. The terms and covenants of this assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives and assigns.

4. Said Inventors each warrant and represent that he has not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have executed and delivered this instrument to said Assignee as follows:

Date: April __, 2001

John R. Stuelpnagel

County of San Diego,)
) ss.
State of California.)

On this __ day of April, in the year 2001, before me, _____, Notary Public of the State of California, personally appeared John R. Stuelpnagel, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____ (seal)

Date: April __, 2001

Mark S. Chee

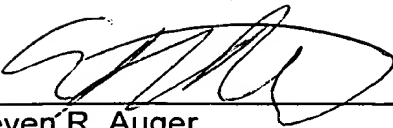
County of San Diego,)
) ss.
State of California.)

On this __ day of April, in the year 2001, before me, _____, Notary Public of the State of California, personally appeared Mark S. Chee, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____ (seal)

Date: April 23, 2001



Steven R. Auger

County of Plymouth)
) ss.
State of Massachusetts)

On this 23 day of April, in the year 2001, before me, ~~STEVEN R. AUGER~~
MARY MACKENZIE, Notary Public of the State of ~~California~~ Massachusetts, personally
appeared Steven R. Auger, personally known to me to be the person whose name is
subscribed to the within instrument, and acknowledged that he executed the same in
his authorized capacity, and that by his signature on the instrument the person, or
the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Mary Mackenzie (seal)
my Commission Expires
MARCH 15 2007

Date: April __, 2001

Gan G. Wang

County of San Diego,)
) ss.
State of California.)

On this __ day of April, in the year 2001, before me, _____
_____, Notary Public of the State of California, personally
appeared Gan G. Wang, personally known to me to be the person whose name is
subscribed to the within instrument, and acknowledged that he executed the same in
his authorized capacity, and that by his signature on the instrument the person, or
the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____ (seal)

Date: April __, 2001

Laura S. Casas

County of San Diego,)
) ss.
State of California.)

On this __ day of April, in the year 2001, before me, _____
_____, Notary Public of the State of California, personally
appeared Laura S. Casas, personally known to me to be the person whose name is
subscribed to the within instrument, and acknowledged that he executed the same in
his authorized capacity, and that by his signature on the instrument the person, or
the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

(seal)

Date: April __, 2001

Shawn Christopher Baker

County of San Diego,)
) ss.
State of California.)

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_____, Notary Public of the State of California, personally
appeared Shawn Christopher Baker, personally known to me to be the person
whose name is subscribed to the within instrument, and acknowledged that he
executed the same in his authorized capacity, and that by his signature on the
instrument the person, or the entity upon behalf of which the person acted, executed
the instrument.

WITNESS my hand and official seal.

Signature _____

(seal)

Date: April __, 2001

Robert C. Kain

County of San Diego,)
) ss.
State of California.)

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WITNESS my hand and official seal.

Signature _____

(seal)

A-67493-3/DJB/RMS/DCF
1049038

POWER OF ATTORNEY BY ASSIGNEE
(not accompanying application)

The undersigned assignee of the entire interest in application for letters patent entitled:
COMPOSITE ARRAYS UTILIZING MICROSPHERES WITH A HYBRIDIZATION CHAMBER
and having the named inventor(s): John R. STUELPNAGEL, Mark S. CHEE, Steven R. AUGER,
Gan WANG, Laura CASAS, Shawn BAKER, and Robert C. KAIN
and having Application No. 09/606,369 and filing date of June 28, 2000

hereby appoints the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith; said appointment to be to the exclusion of the inventor(s) and his (their) attorney(s) in accordance with the provisions of 37 CFR §1.32:

Harold C. Hohbach, Reg. No. 17,757; Aldo J. Test, Reg. No. 18,048; Donald N. MacIntosh, Reg. No. 20,316; Edward S. Wright, Reg. No. 24,903; David J. Brezner, Reg. No. 24,774; Robert B. Chickering, Reg. No. 24,286; Richard F. Trecartin, Reg. No. 31,801; Steven F. Caserza, Reg. No. 29,780; Edward N. Bachand, Reg. No. 37,085; R. Michael Ananian, Reg. No. 38,050; Robin M. Silva, Reg. No. 38,304; Michael A. Kaufman, Reg. No. 32,988; Maria S. Swiatek, Reg. No. 37,244; and Todd A. Lorenz, Reg. No. 39,754; provided that if any one of said attorneys ceases being affiliated with the law firm of Flehr Hohbach Test Albritton & Herbert LLP as partner, employee or of counsel, such attorney's appointment as attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

In accordance with 37 CFR §3.73 the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.


Direct all telephone calls to Robin M. Silva at 415-781-1989.

Address all correspondence to:

Robin M. Silva, Esq.
FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
Four Embarcadero Center, Suite 3400
San Francisco, California 94111-4187

Assignee: Illumina, Inc.

By: Noemi C. Espinosa
(typed name)

Signature: 

Address: 9390 Towne Centre Drive, Suite 200, San Diego, California 92121

Date: 4-24-2001

File No. A-67493-3/DJB/RMS/DCF